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ROBERT A. SALTZBERG  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105

EXAMINER
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UNELUS, ERNEST

ART UNIT	PAPER NUMBER
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2181

MAIL DATE	DELIVERY MODE
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11/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/003,495

**Applicant(s)**

FRANZEL, KENNETH S.

**Examiner**

ERNEST UNELUS

**Art Unit**

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-43 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5 and 7-43 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10/22/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**RESPONSE TO AMENDMENT**

**Claim rejections based on prior art**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/29/08 has been entered.

Applicant's arguments filed 09/29/2008 with respect to claims 1-5 and 7-43 have been fully considered but are moot in view of the new ground(s) of rejection.

The rejection(s) of claim(s) 1-5 and 7-43 under Soetemans et al. (US pub. 2003/0058618) and Golden et al. (US pat. 6,452,924) have been fully considered and is not persuasive. However, base on the amendment, the rejection has been withdrawn. Therefore, upon further consideration, a new ground(s) of rejection is made in view of Soetemans et al. (US pub. 2003/0058618) in view of Gallagher et al. (US pat. 6,742,068).

**Applicant cancelled claim 6**

**INFORMATION CONCERNING OATH/DECLARATION**

**Oath/Declaration**

The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

**INFORMATION CONCERNING DRAWINGS**

**Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s).

- a. **Claims 1-5 and 7-43**, no drawing shows the claimed configuration circuit to include an instruction memory, a processor, and a configuration memory.

2. **No new matter should be entered.**

3. **Correction is required.**

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## **OBJECTIONS TO THE SPECIFICATION**

### **Specification Objections**

5. The disclosure is objected to because of the following informalities:
6. A configuration circuit to include an instruction memory, a processor, and a configuration memory is not disclosed in the specification.
7. Appropriate correction is required.
8. Applicant's cooperation is requested in correcting any other errors of which applicant may become aware in the specification.

## **REJECTIONS NOT BASED ON PRIOR ART**

### **Claim Rejections - 35 USC § 112**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1-5 and 7-43** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. **The applicant's specification doesn't disclose a configuration circuit to include an instruction memory, a processor, and a configuration memory.**

**REJECTIONS BASED ON PRIOR ART**

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-5, 7-10, 12, 15-23, 25-31, 33, and 34**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al. (US pub. 2003/0058618) in view of Gallagher et al. (US pat. 6,742,068).
3. In re **claim 1**, Soetemans discloses a network backplane interface [125, figs 3-5; paragraph 0003, line 6] for a local network [paragraph 0003, lines 1-7], comprising:  
(a) a circuit board [paragraph 0003, line 5; paragraph 0015, lines 1-4]; (b) a plurality of sockets [paragraph 0003, line 7, paragraph 0015, line 4] connected to the circuit board for receiving plug-in network devices; (c) power lines on the circuit board to one or more of plurality of the sockets for powering a plug-in network device when placed in each socket [paragraph 0023, lines 9-12]; (d) communication lines on the circuit board to one or more of the plurality of the sockets for communication with a plug-in network when placed in each socket [paragraph 0025] and (e) a housing for the circuit board, power lines and communication lines, including openings for exposing said sockets [1 and 125 in figs 1 1A, 1B, and 3].

but fails to disclose expressly a network interface for communication between the plug-in network and an external network, and

(g) a configuration circuit on the circuit board, wherein the configuration circuit is operable (**intended use language**) to communicate with a plug-in device in a socket to identify the plug-in device and configure the plug-in device, and the configuration circuit includes:

an instruction memory operable (**intended use language**) to store configuration instructions for configuring one or more different plug-in devices to perform one or more corresponding desired functions, and  
a processor operable (**intended use language**) to execute the configuration instructions to communicate with a plug-in device in a socket, and configure the device,

wherein the configuration circuit includes a configuration memory operable (**intended use language**) to store configuration information for a plurality of predetermined plug-in device types, and

the configuration circuit is operable (**intended use language**) to receive the configuration associated with a device from the device, wherein executing the configuration instructions configures the device based on the configuration information.

Gallagher discloses a network interface for communication between the plug-in network and an external network (see col. 9, lines 16-48), and

(g) a configuration circuit (**motherboard 67**) on the circuit board, wherein the configuration circuit is operable (**intended use language**) to communicate with a plug-in device in a socket to identify the plug-in device and configure the plug-in device, and the configuration circuit includes:

an instruction memory operable (**intended use language**) to store configuration instructions for configuring one or more different plug-in devices to perform one or more corresponding desired functions, and  
a processor operable (**intended use language**) to execute the configuration instructions to communicate with a plug-in device in a socket, and configure the device,

wherein the configuration circuit includes a configuration memory operable (**intended use language**) to store configuration information for a plurality of predetermined plug-in device types, and

the configuration circuit is operable (**intended use language**) to receive the configuration associated with a device from the device, wherein executing the configuration instructions configures the device based on the configuration information (**see figures 5C-5E and col. 9, lines 16-30**).

Soetemans et al. (US pub. 2003/0058618) and Gallagher et al. (US pat. 6,742,068) are analogous art because they are from the same field of motherboard.

at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a method and apparatus for providing a common support services infrastructure that allows a network element shelf to be used with circuit card configurations that provide enhanced and/or new data path functionality without requiring the expensive and time consuming redesign of the entire shelf unit as described by Soetemans the data server includes a backplane having a first electrical connector adapted for coupling to a DC power supply as taught by Gallagher.



The motivation for doing so would have been because Gallagher teaches that (“**The partitioning members of one of the shelves may be removed from, or inserted onto, the shelf without interrupting operation of the modules on the other shelves**”; see col. 2, lines 44-47).

Therefore, it would have been obvious to combine Gallagher et al. (US pat. 6,742,068) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 1.

4. In re claim 2, Soetemans et al. shows a communication controller [120a, 120b, fig 3] which allows communication between the plug-in devices.
5. In re claim 3, Gallagher et al. shows wherein the configuration circuit is further operable to generate a user interface based on the component information, to cause display of the user interface, to receive a configuration command for the device via the user interface, and to configure the device based on the configuration command (see col. 9, lines 16-48).
6. In re claim 4, Gallagher et al. shows wherein the desired functions comprise a modem function, a broadband access function, firewall security protection, a router function, a hub function, a switch function, a network-attached storage function, a printer server function, or a combination thereof (see col. 9, lines 16-48).

7. In re claim 5, Soetemans et al. shows (1) memory [inherent feature of having a profile, paragraph 0032, lines 16-18] for storing configuration instructions for configuring one or more plug-in devices, and (2) processor [controllers, paragraph 0032, line 17] for executing the configuration instructions to network communication.
8. In re claim 7, Golden et al. shows wherein the network interface comprises a multiple 100baseT Ethernet connector (see col. 7, lines 1-19).
9. In re claim 8, Soetemans et al. shows an embedded configuration module [paragraph 0032, lines 16-18; fig 6] to configure plug-in devices in a configuration session.
10. In re claim 9, Soetemans et al. shows the configuration module configures all plug-in devices in one configuration session [paragraph 13, lines 39-45; fig 6].
11. In re claim 10, Soetemans et al. shows a platform-independent configuration software [paragraph 0006, lines 13-22].
12. In re claim 12, Soetemans et al. shows at least one socket is dedicated to connection and communication with an external network [paragraph 0033, line 7].
13. In re claim 15, Soetemans et al. shows a R J-45 socket [paragraph 0033, line 7].

14. In re **claim 16**, Soetemans et al. shows a socket comprises a proprietary connector combining power and data connections [paragraph 0016; paragraph 0030, lines 0030, lines 17-21; figs 2A, 2B].

15. In re **claim 17**, Soetemans discloses a network backplane interface [125, figs 3-5; paragraph 0003, line 6] for a local network [paragraph 0003, lines 1-7], comprising: (a) a plurality of sockets [paragraph 0003, line 7; paragraph 0015, line 4] for receiving plug-in network devices; (b) power lines to one or more sockets for powering a plug-in network device in each socket [paragraph 0023, lines 9-12]; (c) communication lines to each socket for communication with the plug-in network devices [paragraph 0025]; and (d) a configuration module for functional configuration of one or more plug-in devices, wherein the configuration module communicates with each plug-in device in each socket to identify the plug-in device and configure function of the plug-in device to perform desired functions [paragraph 6; paragraph 0026; paragraph 0037].

but fails to disclose expressly a network interface for communication between the plug-in network and an external network.

Gallagher discloses a network interface for communication between the plug-in network and an external network (see col. 9, lines 16-48), and

Soetemans et al. (US pub. 2003/0058618) and Gallagher et al. (US pat. 6,742,068) are analogous art because they are from the same field of motherboard.

at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a method and apparatus for providing a common support services infrastructure

that allows a network element shelf to be used with circuit card configurations that provide enhanced and/or new data path functionality without requiring the expensive and time consuming redesign of the entire shelf unit as described by Soetemans the data server includes a backplane having a first electrical connector adapted for coupling to a DC power supply as taught by Gallagher.

The motivation for doing so would have been because Gallagher teaches that (**“The partitioning members of one of the shelves may be removed from, or inserted onto, the shelf without interrupting operation of the modules on the other shelves”**; see col. 2, lines 44-47).

Therefore, it would have been obvious to combine Gallagher et al. (US pat. 6,742,068) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 17.

16. In re claim 18, Soetemans et al. shows (1) memory [120a, fig 3; paragraph 0038] for storing configuration instructions for configuring one or more different plug-in devices, and (2) processor [120a, fig 3; paragraph 0038] for executing the configuration instructions to communicate with a plug-in device in a socket, and configure that device for network communication.

17. In re claim 19, Soetemans et al. shows a configuration memory [120a, fig 3] having configuration information for a plurality of predetermined plug-in device types [paragraph 0039, lines 1-2].

18. In re claim 20, Soetemans et al. shows extended configuration memory [120b, fig 3] for storing configuration information for additional device types.
19. In re claim 21, Soetemans et al. shows the configuration module allows configuring of plug-in devices in a configuration session for network communication among the plug-in devices [fig 6].
20. In re claim 22, Soetemans et al. shows configures all plug-in devices in one configuration session [fig 6].
21. In re claim 23, Soetemans et al. shows a platform-independent configuration software [fig 6].
22. In re **claim 25**, Soetemans discloses a network interface module [125, **figs 3-5**; **paragraph 0003, line 6**] for a local network [**paragraph 0003, lines 1-7**], comprising:  
(a) a circuit board [**backplane, paragraph 0015, lines 8**] having a plurality of sockets [**paragraph 0003, line 7; paragraph 0015, lines 4, and 8**] for receiving plug-in network devices; (b) power lines on the circuit board [**paragraph 0015, line 12**] to one or more sockets for powering a plug-in network device in each socket [**paragraph 0023, lines 9-12**]; (c) a switch on the circuit board [**515a, paragraph 0034, line 14; fig 5**], connected to one or more of the sockets allowing communication with plug-in network devices when placed in one or more of

the sockets [120a, 120b, fig 3]; and (d) a configuration module on the circuit board for functional configuration of one or more plug-in devices, wherein the configuration module communicates with each plug-in device in each socket to identify the plug-in device and configure the plug-in device to perform selected functions [fig 6; paragraph 0026; paragraph 0037].

but fails to disclose expressly a network interface for communication between the plug-in network and an external network.

Gallagher discloses a network interface for communication between the plug-in network and an external network (see col. 9, lines 16-48), and

Soetemans et al. (US pub. 2003/0058618) and Gallagher et al. (US pat. 6,742,068) are analogous art because they are from the same field of motherboard.

at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a method and apparatus for providing a common support services infrastructure that allows a network element shelf to be used with circuit card configurations that provide enhanced and/or new data path functionality without requiring the expensive and time consuming redesign of the entire shelf unit as described by Soetemans the data server includes a backplane having a first electrical connector adapted for coupling to a DC power supply as taught by Gallagher.

The motivation for doing so would have been because Gallagher teaches that (“**The partitioning members of one of the shelves may be removed from, or inserted onto, the shelf without interrupting operation of the modules on the other shelves**”; see col. 2, lines 44-47).

Therefore, it would have been obvious to combine Gallagher et al. (US pat. 6,742,068) with Soetemans et al. (US pub. 2003/0058618) for the benefit of creating a network backplane interface for a local network to obtain the invention as specified in claim 25.

23. Claims 26-31, and 33 are rejected under the same rationale as discussed above in claims 18-23.

24. In re claim 34, Soetemans et al. shows a printed Circuit board [paragraph 0003, line 5].

25. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al., US Patent no. 6,289,405 in view of Gallagher et al. (US pat. 6,742,068) and further in view of Trans, USPGPUB no. 20020181633.

26. In re claims 13, and 14, Soetemans et al. does not show a security module. However, the security module is well known in the art of computer communication to have the secure module for having secure communication. Trans shows a security module [paragraph 0100, line 17-18] for Ethernet UTP applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the security module because it would provide a secure system.

27. Claims 11, 24, 32, 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soetemans et al., US Patent no. 6,289,405 in view of Gallagher et al. (US pat. 6,742,068) and further in view of Kim et al., USPAT No. 6,473,788.

28. In re claims 11, 24, 32, 35-39, and 41-42, Soetemans et al. does not show a user interface for receiving user configuration commands to configure each plug-in and the backplane, the common user interface is platform and operating system independent, utilizing a common communication protocol between the plug-ins and the configuration module, graphical user interface, the configurations circuit is centralized to the backplane, a web browser; if a device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a source external to the configuration circuit; if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a user.

However, Kim et al. shows the user interface for receiving user configuration commands to configure each plug-in and the backplane, the common user interface is platform and operating system independent, utilizing a common communication protocol between the plug-ins and the configuration module, graphical user interface, the configurations circuit is centralized to the backplane, a web browser [150, fig 10; S13040, fig 13B]; if a device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a source external to the configuration circuit [S1425, fig 14], if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a user [S1424, fig 14].



Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the user interface for receiving user configuration commands to configure each plug-in and the backplane, the common user interface is platform and operating system independent, utilizing a common communication protocol between the plug-ins and the configuration module, graphical user interface, the configurations circuit is centralized to the backplane, a web browser; if a device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a source external to the configuration circuit; if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from a user because it would provide a user-friendly system by allowing to have a user interface with more flexible by allowing it to operate in multiple configurations.

29. In re claim 40, Soetemans et al. shows embedded configuration instructions for configuring one or more different plug-in devices, such that the configuration circuit uses identity of each plug-in device to obtain corresponding configuration instructions for configuring the different plug-in devices [fig 6].

30. In re claim 43, Soetemans et al. shows if a plug-in device is not recognized by the configuration circuit, then the configuration circuit obtains configuration instructions for the unrecognized device from the unrecognized device itself [fig 6].

**RELEVANT ART CITED BY THE EXAMINER**

31. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05(c).
32. The following references teach a network backplane for a local network.

**U.S. PATENT NUMBER**

US 2002/0161926; 5,656,680

**CLOSING COMMENTS**

**Conclusion**

**a. STATUS OF CLAIMS IN THE APPLICATION**

33. The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

**a(1) CLAIMS REJECTED IN THE APPLICATION**

34. Per the instant office action, claims 1-5 and 7-43 have received a first action on the merits and are subject of a first action non-final.

**DIRECTION OF FUTURE CORRESPONDENCES**

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

**IMPORTANT NOTE**

36. If attempts to reach the above noted Examiner by telephone are unsuccessful,

the Examiner's supervisor, Mr. Alford Kindred, can be reached at the following telephone number: Area Code (571) 272-4037.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217- 91 97 (toll-free).

November 18, 2008

Ernest Unelus  
Patent Examiner  
Art Unit 2181

/E. U./

Examiner, Art Unit 2181

/Niketa I. Patel/

Primary Examiner, Art Unit 2181

